

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Case: 1:19-CV-~~200~~402

ASHTON SMITH #619752
Plaintiff

Hon. Paul L. MALONEY

✓

JOHN DAVID et al.,
Defendant

FILED

January 19, 2021 11:19 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: ns SCANNED BY: TB 1/20/21

PLAINTIFF OBJECTION TO DENIAL OF
APPOINTMENT OF COUNSEL

Objection: Plaintiff is ~~not~~ being treated as mentally ill. Plaintiff is on strong Anti-psychotic medication & is involved in therapy. Plaintiff is being injected with strong medication involuntarily. Plaintiff said mental illness & strong medication, indeed plaintiff is in need of legal assistance & because Plaintiff is indigent this court should appoint counsel. Vitek v. Jones, 445 U.S. 480 (1980) "A Prisoner thought to be suffering from a mental disease or defect requiring involuntary treatment probably has an even greater need for legal assistance, for such a prisoner is more likely to be unable to understand or ~~exercise~~ exercise his rights. In these circumstances, it is appropriate that counsel be provided to indigent prisoners whom the State seeks to treat as mentally ill"

The Court suggest because the Plaintiff knows his deliberate indifference issues that he is able to plead his own case

- ① Plaintiff is being involuntarily treated as mentally ill, injected against his will with strong doses of anti-psychotics.
- ② Plaintiff case is complex, Plaintiff medical records contains words & abbreviations that plaintiff cant understand.
- ③ Plaintiff medication effects him mentally and phycally causes him to shake & have bad hand writing.
- ④ there is a need for an expert witness to explain complex words & abbreviations in medical records, to explain timeliness of infection & causation

Green v. Daley 414 F3d 645 (7th Cir 2005) "Need for expert witness and the complex issue of medical deliberate indifference justifies the appointment of counsel"

Montgomery v. Pinchak, 294 F.3d 492 (3rd Cir 2002)
"the ability to file and respond to motions does not necessarily show that a plaintiff is able to present his own case."

Relief: Appointment of Counsel

PROOF OF SERVICE

I declare under Penalty of Perjury that a
Copy of the foregoing was sent to the attorney for
the defendants

Jan 13, 2021

Ashton Smith

Alicia Lane

A.A.G.

P.O. Box 30217

Lansing MI 48909

Ashton Smith

Gus Harrison Corr. Fac.

2727 E Beecher St

Adrian MI 49221

Prisoner Name: Ashton Smith
Prisoner Number: 619752
GUS HARRISON CORRECTIONAL FACILITY
2727 E. Beecher St.
Adrian, MI 49221



U.S. POSTAGE PITNEY BOWES



ZIP 49221 \$ 000.95⁰
02 4W
0000355312 JAN 12 2021

Clerk of the Court
United States District Court
399 Federal Building
110 Michigan St NW
Grand Rapids, MI 49503

4950355312 CO20





WE CARE

Dear Postal Customer,

We sincerely regret the damage to your mail during handling by the Postal Service. We hope this incident did not inconvenience you. We realize that your mail is important to you and that you have every right to expect it to be delivered in good condition.

Although every effort is made to prevent damage to the mail, occasionally this will occur because of the great volume handled and the rapid processing methods which must be employed to assure the most expeditious distribution possible.

We hope you understand. We assure you that we are constantly striving to improve our processing methods in order that even a rare occurrence may be eliminated.

Please accept our apologies.

Sincerely,

Your Postmaster

